

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

TRANS-SPEC TRUCK SERVICE, INC.)	
d/b/a TRUCK SERVICE,)	
)	
Plaintiff)	
vs.)	CIVIL ACTION NO. 04-11836-RCL
)	
CATERPILLAR INC.)	
)	
Defendant)	

CATERPILLAR INC.'S ASSENTED-TO MOTION TO RESCHEDULE HEARING
ON ITS MOTION TO DISMISS THE SECOND AMENDED COMPLAINT

The defendant Caterpillar Inc. moves, with the assent of the plaintiff Trans-Spec Truck Service, Inc., for an order rescheduling the July 21, 2005, hearing on Caterpillar's motion to dismiss the second amended complaint. Caterpillar requests that the hearing be rescheduled if possible to a date convenient to the Court during the week of August 8, which is a time frame during which counsel for both parties are currently available.

In support of its motion, Caterpillar states that its counsel John A. K. Grunert -- who prepared the motion, is best able to argue it, and has principal responsibility for the litigation -- is scheduled to be on vacation in western Canada from July 21 through July 28, with non-refundable airfare paid. Co-counsel for Caterpillar, Richard P. Campbell, similarly has a previously-scheduled out-of-state commitment on July 21. In light of the substantive nature of the motion, it should in fairness be argued by an attorney who is well-familiarized with the facts of the case and prior proceedings in the case as well as with the applicable law. Trans-Spec's counsel Nancy Reimer, Esquire, does not object to rescheduling the hearing and has authorized

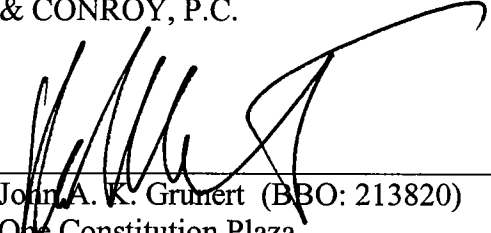
the undersigned to inform the Court that Trans-Spec assents to it. This motion to reschedule the hearing has been filed promptly after Caterpillar was notified of the July 21 date.

WHEREFORE, Caterpillar requests that the July 21 hearing be rescheduled for a date convenient to the court during the week of August 8.

CATERPILLAR INC.,

By its attorneys,

CAMPBELL CAMPBELL EDWARDS
& CONROY, P.C.



John A. K. Grunert (BBO: 213820)
One Constitution Plaza
Boston, MA 02129
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CERTIFICATE OF SERVICE

I, John A. K. Grunert, hereby certify that on July 7, 2005, I served the within motion by causing a copy to be mailed, by first class mail, postage prepaid, to Nancy M. Reimer, Esquire, Donovan Hatem, LLP, 2 Seaport Lane, Boston, MA 02210.



John A. K. Grunert